

Applicant : Yang, et al.
Appl. No. : 09/347,845
Examiner : Bui, Vy Q.
Docket No. : 702563.40

Remarks/Arguments

Claims 1-6, 8-15 and 17-25 are pending in this application.

I. Claim Rejections under 35 USC §102

Claims 1, 3-4, 8-15, 17-22 and 24-25 are rejected under 35 USC §102(e), as being anticipated by Von Oepen (U.S. Patent 6,193,747). Claims 1 and 12 have been amended to render them more clear and definite, and to emphasize the patentable novelty thereof by reciting that the longitudinal connectors extend substantially parallel to the longitudinal axis of the tubular body when the tubular body is in an enlarged condition after deployment in the body lumen.

In contrast, the von Oepen patent discloses a stent having a sinusoidal web pattern connected by "spring elements" of several disclosed shapes. For example, the Examiner refers to the Figure 8 structure, which includes sinusoidal web patterns 61 and 62 separated by spring elements 64 and 65, all of which are located in the "central portion" (as properly interpreted) of the von Oepen device. The Examiner necessarily identifies both long and short connectors in the von Oepen device, stating the following:

A plurality of straight and short or long connectors (I-shaped labeled as elements 66, 67) extending substantially parallel to the longitudinal axis of the stent. Notice that **in a contracted configuration during deployment of the stent**, connectors 66, 67 are squeezed closed one to each other and connectors 66, 67 are substantially parallel to the longitudinal axis of the stent.

(Office Action, pg. 3 and pp. 3-4) (emphasis added). On the other hand, **in its expanded configuration after deployment**, the sinusoidal elements 66, 67 are not parallel to the longitudinal axis.

Thus, each of claims 1 and 12 distinguishes over the stents shown in the von Oepen patent. Each of the other rejected claims is dependent on one or the other of claims 1 and 12, and each is therefore distinguished from von Oepen on the same basis.

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Accordingly, because each of the independent claims of the present application contains limitations not found in the von Oepen patent, the section 102(e) rejection is overcome and the claims are in condition for allowance.

II. Claim Rejections Under 35 U.S.C. 103(a)

The Examiner rejected claims 2, 5-6, and 23 under 35 U.S.C. 103(a) as being unpatentable over the von Oepen patent in view of Steinke (USP 6,224,626) (as to claims 2 and 23) and Khosravi et al. (USP 5,824,054) (as to claims 5-6). Because neither of the cited references, either alone or in combination, discloses, teaches, or suggests the subject matter of the claims as presently amended, reconsideration and withdrawal of the rejections is respectfully requested.

Specifically, the section 103 rejections are based upon the same analysis of the von Oepen patent addressed above in relation to the section 102(e) rejections. Accordingly, for the same reasons set forth above, the combination of the von Oepen, Steinke, and Khosravi et al. patents fail to disclose all of the limitations recited in the amended claims. The claims are, therefore, in condition for allowance.

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CONCLUSION

In view of the foregoing, it is submitted that the claims presented in this application define patentable subject matter over the cited prior art. Accordingly, Applicant respectfully requests entry of the amendments and allowance of the claims. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By: _____



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